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HELENA DIVISION  
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**ATTORNEY FOR PLAINTIFF**  
**UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF MONTANA**  
**HELENA DIVISION**

**UNITED STATES OF AMERICA,**  
  
**Plaintiff,**  
  
**vs.**  
  
**ROSS MICHAEL ROBERTSON,**  
  
**Defendant.**


**CR 06-20-H-DWM**

**MOTION TO DISMISS INDICTMENT**

The defendant is currently residing in the Warm Springs, Montana State Hospital due his commitment there in an unrelated state criminal prosecution out of Yellowstone County. Both the protection of the public from the defendant as well as treatment of the defendant's mental health issues are being addressed by his current incarceration at the state hospital. As a result, the United States respectfully moves this Court for its order dismissing the indictment on file herein without prejudice. Rule 48(a), Federal Rules of Criminal Procedure.

Respectfully submitted this 17th day of October, 2007.

WILLIAM W. MERCER  
United States Attorney

A handwritten signature in cursive script, appearing to read "Paulette L. Stewart", is positioned above a horizontal line.

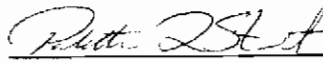
PAULETTE L. STEWART  
Assistant U.S. Attorney  
United States Attorney's Office  
Attorney for Plaintiff

### CERTIFICATE OF SERVICE

I hereby certify that on October 17, 2007, a copy of the foregoing was served on the following persons by the following means:

\_\_\_\_\_ CM/ECF  
1 \_\_\_\_\_ Hand Delivery  
\_\_\_\_\_ Mail  
\_\_\_\_\_ Overnight Delivery Service  
2 \_\_\_\_\_ Fax  
\_\_\_\_\_ E-mail

1. Clerk, U.S. District Court
2. Michael Donahoe  
Federal Defenders of Montana  
Attorney for Defendant  
fax: 449-5651

  
\_\_\_\_\_  
PAULETTE L. STEWART  
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United States Attorney's Office  
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